

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SABLE NETWORKS, INC. and
SABLE IP, LLC

Plaintiffs,

v.

DELL TECHNOLOGIES INC., DELL INC.,
and EMC CORPORATION,

Defendants.

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CIVIL ACTION No. 6:20-cv-00569-ADA

JURY TRIAL DEMANDED

**JOINT STIPULATION TO DISMISS PLAINTIFFS' INDUCED AND WILLFUL
INFRINGEMENT ALLEGATIONS**

WHEREAS, the above-captioned action was filed by Plaintiffs Sable Networks, Inc. and Sable IP, LLC (collectively, "Plaintiffs" or "Sable") against Defendants Dell Technologies Inc., Dell Inc., and EMC Corporation (collectively, "Defendants" or "Dell") in the United States District Court for the Western District of Texas, Waco Division on June 26, 2020;

WHEREAS, in the above-captioned action, Sable alleges that: (1) Dell directly infringes four United States patents; (2) Dell induces infringement of the four asserted United States patents; and (3) Plaintiffs are entitled to enhanced damages arising from Dell's willful infringement of the four asserted United States patents;

WHEREAS, Dell indicated its intention to file a motion to dismiss Plaintiffs' allegations that Dell willfully infringes, induces infringement or that Plaintiffs are entitled to enhanced damages;

WHEREAS, Plaintiffs deny that there is any infirmity with any of the allegations in its Complaint, including its allegations of induced and willful patent infringement;

WHEREAS, Plaintiffs acknowledge this Court has a standard practice of dismissing allegations of induced infringement and willful infringement without prejudice to plaintiffs

conducting discovery on both issues and without prejudice to plaintiffs amending the complaint to allege induced infringement and/or willful infringement after fact discovery is open;

WHEREAS, counsel for Plaintiffs and counsel for Defendants have met and conferred and agreed that Plaintiffs will voluntarily dismiss the allegations of induced and willful infringement contained in the Complaint filed in this action; however, counsel for Plaintiffs and counsel for Defendants acknowledge that: (1) this dismissal is pursuant to the Court's standard practice; (2) this Stipulation is not intended to serve as a reflection on the adequacy or inadequacy of any allegations contained in the Complaint; and (3) that the dismissal of Plaintiffs' induced and willful infringement allegations is without prejudice to Plaintiffs seeking discovery on these issues, to which Dell reserves its rights to raise appropriate objections, and without prejudice to Plaintiffs amending the Complaint to allege induced and/or willful infringement after fact discovery in this action is open;

WHEREAS, Dell has requested, and Plaintiffs do not oppose, an extension of its deadline to answer or otherwise respond to the Complaint until 21 days from the date the Court enters an Order dismissing Plaintiffs' induced and willful infringement claims without prejudice pursuant to this Stipulation;

NOW, THEREFORE, Plaintiffs and Defendants, through each party's respective counsel, hereby jointly stipulate to the entry of an Order dismissing Plaintiffs' allegations of induced infringement and willful infringement without prejudice to Plaintiffs seeking discovery relevant to those allegations, to which Dell reserves its rights to raise appropriate objections, and without prejudice to Plaintiffs amending the Complaint to allege induced and/or willful infringement after fact discovery in this action opens. Plaintiffs and Defendants further request an Order

providing Dell with a 21-day extension to answer or otherwise respond to the Complaint, which begins to run upon entry of the Court's dismissal order.

DATED: September 3, 2020

Respectfully Submitted,

By: /s/ Michael J. Newton

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**COUNSEL FOR PLAINTIFFS
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CERTIFICATE OF CONFERENCE

I hereby certify that the parties conferred via email over September 2-September 3, 2020, and that Sable Networks, Inc., Sable IP, LLC, Dell Technologies Inc., Dell Inc., and EMC Corporation agree to request the relief sought herein.

/s/ Dorian Berger
Dorian Berger

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of September, 2020 a true and correct copy of the Joint Stipulation to Dismiss Without Prejudice Plaintiffs' Induced and Willful Infringement Allegations was electronically filed with the Clerk of the Court using the CM/ECF system, which sends notifications of such filing to all counsel of record who have consented to accept service by electronic means.

/s/ Dorian Berger
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